

Texas, Southern District of Iowa, Western District of Missouri, District of Arizona, Western District of New York, Eastern District of Michigan, Western District of Tennessee, and District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of March 9, 1944, and December 10, 1945, by the Colusa Remedy Co., from Hollywood and Los Angeles, Calif.

PRODUCT: 1,028 2-fluid-ounce bottles and 213 4-fluid-ounce bottles of *Colusa Natural Oil* and 635 100-capsule boxes and 158 200-capsule boxes of *Colusa Natural Oil Capsules* and a number of circulars headed "Colusa Remedy Co. Field Headquarters Williams, California," at Washington, D. C., Chester, West Chester, Coatesville, Conshohocken, Chambersburg, and Pittsburgh, Pa., Waco and San Antonio, Tex., Marshalltown, Iowa, Springfield, Mo., Phoenix, Ariz., Corning, N. Y., Saginaw, Mich., Memphis, Tenn., and Nashua, N. H.

Examination showed that the products consisted of petroleum oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars described above, which accompanied the products other than those involved in the New Hampshire action, and the pictures of a man's back, two hands, and a leg before and after treatment, which were displayed in the circulars, were false and misleading. The statements and pictures represented and suggested that the articles would be efficacious in the treatment of psoriasis, eczema, leg ulcers, itch, and athlete's foot. The articles when used alone or in combination with each other would not be efficacious for such conditions.

Further misbranding, Section 502 (f) (1), the labels of the articles involved in the New Hampshire action failed to bear adequate directions for use in the treatment of skin diseases, psoriasis, leg ulcers, and eczema, which were the conditions for which the articles were offered in advertising disseminated and sponsored by, and on behalf of, the packer.

DISPOSITION: The Colusa Remedy Co. appeared as claimant in each of the above-mentioned libel actions, and upon petition by the claimant, the libel actions were consolidated for trial in the Western District of Texas. On July 22, 1946, the claimant filed a motion to dismiss the libels, and on August 18, 1947, after consideration of the briefs of the parties, the court entered an order overruling and denying the motion to dismiss. An answer was filed also on behalf of the claimant, denying that the products were misbranded by the circulars and denying that the circulars constituted labeling. Thereafter a stipulation was entered into by the parties, which provided that final determination of the issue of misbranding in certain cases in the Northern District of Iowa (see notice of judgment on drugs and devices, No. 2922) should be applicable and decisive on the issue of misbranding in the instant cases, and that if in the Iowa cases, decrees of condemnation were finally entered, based on findings that the products seized therein were misbranded, then a decree of condemnation may be entered in the instant cases. In accordance with such stipulation, and in view of the decision reached in the Iowa cases, providing for condemnation of the products there involved, the court entered a decree in the instant cases, providing for condemnation and destruction of the products.

3046. Misbranding of vitamin and mineral tablets. U. S. v. 45 Bottles * * *.
(F. D. C. No. 28254. Sample No. 13697-K.)

LIBEL FILED: October 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1949, from Los Angeles, Calif.

PRODUCT: 45 60-tablet bottles of *vitamin and mineral tablets*. The product was offered "to give power" during lectures delivered by Thomas Gaines in

Philadelphia, Pa., and "for an aid to the preservation of adequate hearing and eyesight" in a mimeographed book entitled "Why Be Deaf" and "as a preventative of sight impairment" in a book entitled "Vitalic Breathing," which books were being sold by Thomas Gaines during his lectures.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: February 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to a local hospital.

3047. Misbranding of mineral oil. U. S. v. 73 Bottles, etc. (F. D. C. No. 27187. Sample No. 44645-K.)

LIBEL FILED: May 7, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about January 24, 1949, from Petrolia, Pa.

PRODUCT: *Mineral oil.* 73 1-pint bottles, 29 ½-gallon bottles, 18 1-gallon bottles, and 92 1-quart bottles at Minneapolis, Minn. The product had been repackaged after shipment in interstate commerce and labeled with labels furnished by the Milton Ray Co., Minneapolis, Minn.

LABEL, IN PART: "Dr. Ray Brand Extra Heavy Mineral Oil U. S. P. Heavy * * * Distributed by Milton Ray Company, Minneapolis, Minn."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "safe for expectant mothers" was false and misleading since *mineral oil* may not be used without risk by pregnant women since it predisposes to hemorrhagic disease of the newborn; and, Section 502 (f) (2), the article failed to bear such adequate warnings against use by children where its use may be dangerous to health and against unsafe dosage and methods and duration of administration, in such manner and form as are necessary for the protection of users since its labeling failed to warn that the article should not be taken at any time other than bedtime or administered to infants except on advice of a physician. The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: On December 5, 1949, a default decree was entered, providing for destruction of the product unless given to charitable institutions. The United States marshal was informed that the product should be given to a charitable institution, such as a hospital which would have doctors and nurses qualified to administer the product, and that such institution should be informed concerning the charges of misbranding against the product. The product was delivered to a Minneapolis hospital.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3048. Adulteration of orris root. U. S. v. 67 Bags * * *. (F. D. C. No. 28290. Sample No. 10073-K.)

LIBEL FILED: November 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 25, 1948, from Leghorn, Italy.

PRODUCT: 67 164-pound bags of *orris root* at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by the reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.